

HOUSE BILL NO. 1333

Introduced by

Representatives Prichard, Frelich, Klemin, Koppelman, Marschall, Motschenbacher, D. Ruby,
Tveit, VanWinkle

Senator Estenson

1 A BILL for an Act to create and enact a new section to chapter 12.1-27.1 of the North Dakota
2 Century Code, relating to restrictions on adult-oriented performances; to amend and reenact
3 section 12.1-27.1-12 of the North Dakota Century Code, relating to state pre-emption of local
4 laws regulating obscenity; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 12.1-27.1 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Restrictions on adult-oriented performances - Penalty.**

9 1. As used in this section, "adult cabaret performance" means a performance in a
10 location other than an adult cabaret which features topless dancers, ~~go-go dancers,~~
11 exotic dancers, strippers, or male or female impersonators who provide entertainment
12 that appeals to a prurient interest, ~~or similar entertainers,~~ regardless of whether or not
13 performed for consideration.

14 2. A person is guilty of a class A misdemeanor for a first offense and a class C felony for
15 a second or subsequent offense if the person engages in an adult cabaret
16 performance:

17 a. On public property; or

18 b. In a location where the adult cabaret performance is ~~within the line of vision~~in the
19 presence of an individual under the age of eighteen.

20 **SECTION 2. AMENDMENT.** Section 12.1-27.1-12 of the North Dakota Century Code is
21 amended and reenacted as follows:

1 **12.1-27.1-12. State pre-emption of local laws regulating obscenity.**

2 This chapter ~~shall be~~is applicable ~~and uniform~~ throughout the state, and ~~no~~a political
3 subdivision ~~shall~~may not enact new, or enforce existing, ordinances or resolutions regulating or
4 prohibiting the dissemination of obscene materials, or controlling obscene or adult-oriented
5 performances, except ordinances authorized by section 5-02-09, section 58-03-11, chapter
6 11-33, or chapter 40-47.